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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,610

09/28/2006

Daniel Baertschi

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,610	<b>Applicant(s)</b> BAERTSCHI ET AL.	
	<b>Examiner</b> Jill E. Culler	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20061129</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,559,573 to Hantscho.

With respect to claim 1, Hantscho teaches an ink fountain, 10, for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors, 20, which can be moved by adjusting means, 26, in order to vary the distance between said sectors and the circumference of an ink fountain roller, 11, said ink fountain additionally comprising a blade, 18, which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests directly on said sectors and is held fixedly with respect to said blade holder. See column 1, line 43 - column 2, line 16 and Figs. 1-2.

With respect to claims 4-5, Hantscho teaches the blade is screwed into the blade holder, and therefore held on the blade holder by a fastening piece. See column 2, lines 17-23 and Fig. 2.

With respect to claim 7, Hantscho teaches the sectors are moved by rotation.  
See column 2, lines 1-16 and Fig. 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hantscho in view of U.S. Patent No. 5,778,785 to Blackwell.

Hantscho teaches all that is claimed, as in the above rejection of claims 1, 4-5 and 7, except that the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade.

Blackwell teaches an ink fountain having a doctor blade wherein the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade. See column 3, line 60 - column 4, line 6 and column 4, lines 32-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Hantscho to have a metal and ceramic blade, as taught by Blackwell, in order to better maintain the ink thickness.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hantscho in view of U.S. Patent No. 5,692,043 to Fischer et al.

Hantscho teaches all that is claimed, as in the above rejection of claims 1, 4-5 and 7, except that the sectors are moved by deformation.

Fischer et al. teaches an ink fountain having an adjacent number of sectors, 11, which are moved by deformation. See column 2, lines 55 - 67 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Hantscho to move the blades by deformation in order to individually control the distance of each blade from the roller.

### ***Allowable Subject Matter***

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or render obvious an inking fountain as claimed, particularly wherein a deformable plastic is deposited between the sectors to improve the sealing between them.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/

Primary Examiner, Art Unit 2854